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PATENT DEPARTMENT
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OFFICE OF PETITIONS

In re Application of
Alto Stemmer et al.
Application No. 09/710,903
Filed: November 14, 2000
Attorney Docket No. P00,1737

ON PETITION

This is a decision on the petition filed February 21, 2006, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before November 25, 2005 as was required by the Notice of Allowance mailed August 24, 2005. This application therefore became abandoned on November 28, 2005. Accordingly, a Notice of Abandonment was mailed January 24, 2006.

The file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that it was not received. In support, petitioner indicates that a search of the file jacket and the computerized docket system revealed that the Notice was not received and submits copies of pages from the docketing system, wherein receipt of the Notice of Allowance would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none will be charged.

The issue fee has been applied. This matter is being referred to the Publishing Division to review the drawings submitted with the instant petition in response to the Notice Regarding Drawings mailed December 27, 2005 and for processing this application into a Patent.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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